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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,  
Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Notice of Hearing for USACM  
Liquidating Trust's Motion to  
Authorize Third Interim Distribution  
to Unsecured Creditors**

**Date of Hearing: December 19, 2012**

**Time of Hearing: 2:00 p.m.**

**Estimated Length of Hearing: 10 minutes**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed a Motion to Authorize a Third Interim Distribution to Unsecured Creditors (the "Motion"). In summary, the USACM Trust seeks the Court's authorization to make an interim distribution of \$2 million to unsecured creditors as set forth on **Exhibit A** to the Motion.

Attached to the Motion as Exhibit A is a schedule that provides the following information about claim(s): (1) claim number; (2) claim amount; (3) allowed amount; and (4) disallowed amount. The version of Exhibit A attached to the Motion filed with the Court is over 100 pages and can be viewed online at <http://usacmcucc.bmcgroup.com/default.aspx>. The USACM Trust has requested that the Court approve Exhibit A as an accurate statement regarding the status of all allowed claims, including your claim(s). If your name is not on the list, you do not have an allowed claim.

Attached to this Notice is the excerpt from the schedule attached to the Motion that relates to at least one of your claim(s). If no excerpt is attached, you do not have an allowed claim. Prior payments from the USACM Trust would reduce that claim. If the books and records of the USACM Trust show you had more than one claim, or if you filed more than one proof of claim, you may receive separate notices for different claims. Please review the attachment.

If you have any questions regarding the attachment or the Motion, please contact Marilyn Schoenike, Certified Legal Assistant, Lewis and Roca LLP, e mail mschoeni@LRLaw.com, 602-262-5314; or undersigned counsel, Robert M. Charles, Jr. Please do not contact the Court.

If the Motion is granted, the USACM Trust will make a distribution of \$2 million pro rata to the holders of Allowed Claims, which equals a 0.9814% recovery. There are \$203,796,432 million in total Allowed Claims. So, for the holder of an Allowed Claim of \$50,000, the pro rata distribution will be about \$490.70. You can estimate the interim distribution on your claim. Total recoveries by creditors in the USACM Trust will now be approximately 9.78% of their allowed claims.

If the interim distribution check would be less than \$5.00, the USACM Trust has asked that the distribution be held until the final distribution, which may be some time in calendar year 2013 (or later).

**NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on December 19, 2012 at 2:00 p.m. At the hearing, the Court may grant the Motion, thus approving **Exhibit A** and authorizing the USACM Trust to make an interim distribution as explained.

**NOTICE IS FURTHER GIVEN** pursuant to Local Rule 9014(d) that any response to the Motion must be filed by December 5, 2012, (fourteen days preceding the

1 hearing) and a copy served on the person making the Motion. The opposition must state  
2 your position, set forth all relevant facts and legal authority.

3 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
4 pleading with the Court. You *must* also serve your written response on the person who  
5 sent you this notice.

6 If you do not file a written response with the Court, or if you do not serve your  
7 written response on the person who sent you this notice, then:

- 8 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 9 • The Court may *rule against you* without formally calling the matter at the  
10 hearing.

11 Dated: November 14, 2012.

12 **LEWIS AND ROCA LLP**

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